

TORRANCE
Appl. No. 10/511,429
October 5, 2006

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes the addition of Fig. 5.

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Claims 1-15 are pending in the application. Upon entry of this Amendment, claims 1-3, 5-8, 10-12 and 14-15 will be amended and claims 4, 9 and 13 will be canceled.

In the outstanding Office Action of July 6, 2006, the Examiner objected to the drawings as failing to show the limitations of claims 3 and 12 of the application. In response to the Examiner's rejection, a new Figure 5 is being added to the application. The specification of the present application is being amended to describe Figure 5 as a perspective view of another embodiment of the claimed cable organizer showing sliding doors. In adding Figure 5 to the application, it is believed that no new matter has been added to the application. Accordingly, the Examiner's objection to the drawings should now be withdrawn.

In the outstanding Office Action, the Examiner also objected to the Abstract of the Disclosure because it includes legal phraseology. The objected to Abstract has now been canceled and replaced with a new Abstract which does not include the objected to legal phraseology. As such, the Examiner's objection to the Abstract of the Disclosure should now be withdrawn.

The Examiner also rejected claim 9 under 35 U.S.C. §112, second paragraph, as being indefinite in view of the language of claim 1. Claim 9 has now been canceled. Accordingly, the Examiner's rejection of claim 9 under §112 is moot and should be withdrawn.

Finally, the Examiner rejected claims 1-15 under 35 U.S.C. §103(a) as being unpatentable over Wixted et al. (USP 7,055,833) in view of Chang (USP 6,713,674) and Baxter et al. (USP 6,460,951). The Examiner's rejection is respectfully traversed.

For a claimed invention to be obvious over a combination of prior art references, there must be some suggestion, motivation or teaching in the prior art that would have led one of ordinary skill in the art to combine the references to produce the claimed invention. *E.g.*, *Ashland Oil, Inc. v. Delta Resins & Refracs.*, 776 F.2d 281, 293 (Fed. Cir. 1985). In this regard, the Federal Circuit has warned against using a claimed invention as a “blueprint” for piecing together elements in the prior art to defeat the patentability of a claimed invention:

As this court has stated, “virtually all [inventions] are combinations of old elements.” . . . Therefore an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be “an illogical and inappropriate process by which to determine patentability.”

In re Rouffet, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998). (Citations omitted). The Federal Circuit has identified three possible sources for a motivation to combine references:

To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the matter claimed. This court has identified three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.

Id. at 1457-58 (Fed. Cir. 1998).

The claimed invention of the present application is not obvious over the cited references because, in combining the cited references to reject claims 1 – 15, under §103(a), the Examiner does not rely on any of the three possible sources of motivation to combine references identified by the Federal Circuit. Rather, the Examiner impermissibly uses the claimed invention as a blueprint to piece together elements from a plurality of references in an effort to produce the claimed invention. But, even assuming, *arguendo*, that the Examiner properly combined the cited references, the resulting combination still would not be the claimed invention given the deficiencies in the cited references noted below.

In his rejection of claims 1-15, under §103(a), the Examiner alleges that Wixted et al. disclose all of the elements recited in such claims, except “each of the top and side panels including a plurality of openings, and each opening having enclosure means to selectively open and close each of said openings.” July 6, 2006 Office Action, p. 4. Applicant notes that Wixted et al. disclose an independent computer storage cart provided with shelves in order to store computers, personal digital assistants, rechargeable batteries or other electronic devices. In contrast, the cabinet/desk described in claims 1-15 of the present application provides functional utility whereby cables from external electronic devices may enter and/or exit the cabinet interior from any top, or one or both side panels through the plurality of openings recited in independent claims 1 and 10.

The Examiner seeks to compensate for the noted deficiencies in the teachings of Wixted et al. by looking to Chang. In this regard, the Examiner contends that Chang discloses an electrical box having a plurality of openings therein, wherein each opening having enclosure means to selectively open and close each of the openings. Applicant notes that Chang discloses a wire collection box having vertical wire passages with an upper opening at each of the wire

passages and an enlarged lower circular end. The Examiner asserts that the shield sheet shown by reference numeral 22 is the equivalent of the enclosure means. The shield sheet 22 has a central split along the vertical slot and a central cross split portion at the circular end, thus allowing a cable to be passed through the shield sheet 22 into the vertical opening.

In contrast, the openings described in independent claims 1 and 10 of the present application recite openings with closure means placed in the openings that can selectively open and close the openings. Each of the closure means includes a first fixed portion and a second rotatable portion. In the embodiment shown in the figures of the present application, these portions are semi-circular. This particular arrangement allows for a selectable open/close position of the closure means. The cabinet/desk configuration, recited in the rejected claims, coupled with the ability to selectively open/close the closure means provide both utility regarding the opportunity to route cables and increased organization thereof, and adequate configurable ventilation for the enclosed equipment in order to ensure that regulatory standards are satisfied. In view of the above, the claimed invention differs considerably from the device taught by Chang in both structure and function of the openings.

Baxter et al. disclose a telecommunication enclosure box intended to house components that provide communicative connection of remote multimedia equipment. The enclosure box is fitted with a plurality of openings in the top and side panels. However, it is respectfully submitted that Baxter et al. do not teach enclosure means to selectively open and close the openings, but instead disclose knockouts which are removable in order to form apertures for permitting passage of cables. In the claimed invention the passage of cables is achieved by switching the closure means to an open position without removing them, as is the case with the

device taught by Baxter et al. Accordingly, it is clear that the claims of the present application rejected by the Examiner under §103(a) are not obvious over the cited references.

Applicant wishes to note that the subject matter of the present claim set has been examined and deemed allowable by the Canadian Intellectual Property Office. With respect to claims 1 to 15, Applicant fully recognizes and appreciates that the actions and determinations of a foreign authority, such as the Canadian Patent Office, are by no means controlling upon the actions of the U.S. Examiner. However, it is with due respect submitted that determinations respecting the presence of inventive merit and patentable subject matter are no less stringent under Canadian Law and practice than those which obtain in the U.S. jurisdiction. It is therefore respectfully urged that the actions of the Canadian Examiner in allowing claims of the same scope as those identified above tend to support the Applicant's position now presented herein for allowance of claims of similar scope in this U.S. Application.

In view of the foregoing, it is believed that all of the claims remaining in the application, *i.e.*, claims 1-3, 5-8, 10-12, and 14-15, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Robert A. Molan
Robert A. Molan
Reg. No. 29,834

RAM:jsm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

ABSTRACT

A cabinet for organizing electrical cables includes a base for supporting the cabinet on a substantially planar surface, a rear panel, a top panel, oppositely arranged side panels, a front panel and power supply means. The rear, top, front and side panels are arranged to enclose an interior portion of the cabinet. The front panel includes an opening allowing access to the interior portion of the cabinet, the opening including a door to close the opening. Each of the top and side panels includes a planar surface with a plurality of openings through which electrical cables may pass. The power supply means is such that only one power cable need pass to the exterior of the cabinet to be plugged into a live power receptacle. The cabinet can also be part of a desk.